

Remarks

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the following remarks.

As of the instant action claims 14-36 were pending. Applicants have amended independent claims 14, 27, and 34. Applicants respectfully submit that no new matter is believed to have been added as a result of these amendments.

Applicants' representative would like to thank Examiners Myers and Rodriguez for taking the time to discuss the subject application during the telephonic interview on 3 August 2011. During the telephonic interview the applicability of the cited references was discussed. Additionally, the finality of the Office Action mailed 11 May 2011 was discussed. As reflected in the Interview Summary dated 9 August 2011 (the "Interview Summary"), the Examiners were understood to agree that the finality of the rejection will be withdrawn, if necessary for further prosecution subsequent to this response.

Claim Rejections – 35 USC § 103

Claims 14, 18, 21, and 22 were rejected under 35 USC §103(a) as being obvious over the combination of Johannson (US 4,392,773, hereinafter "Johannson"), and Moffett et al. (US 2,259,292, hereinafter "Moffett"). As indicated in the Interview Summary, it was agreed that if Independent claim 14 was amended to require that the forks be on the movable carriage, such amendment would overcome the cited references. By this response, Applicants have amended independent claim 14 to recite the forks being mounted on the movable carriage. Amended independent claim 14 is reproduced below for the Examiners convenience.

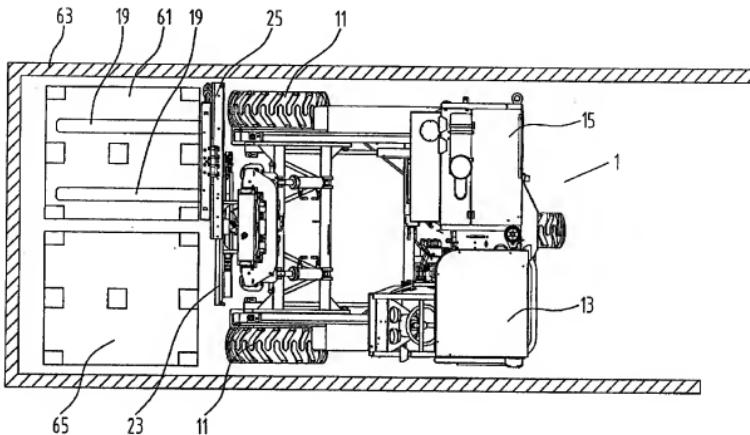
14. (Currently Amended) A forklift truck for mounting on the rear of a carrying vehicle, the forklift truck comprising a u-shaped chassis having a crossbar and pair of side bars mounted at the ends of the crossbar and projecting forwardly therefrom in the longitudinal direction of the truck, a wheel located adjacent the front of each of the sidebars, a steerable rear wheel located centrally on the crossbar, a driver's station positioned to one side of the chassis and a motive power unit positioned on the opposite side of the chassis, the chassis mounting a lifting member carrying forks, the lifting member being connected to the forks by way of a side shift mechanism comprising a fixed carriage and a movable carriage slidably

mounted on the fixed carriage, the forks being mounted on the movable carriage, and means to shift the movable carriage relative the fixed carriage from a central position to positions laterally extending therefrom on either side of the fixed carriage,

the means to shift the movable carriage laterally relative the fixed carriage further comprises a pair of fluid actuated rams each having a cylinder, a piston and an elongate piston rod connected at one end to the piston, the cylinders of the pair of fluid actuated rams being connected together side by side, the free end of one of the piston rods being connected to the fixed carriage and the free end of the other piston rod being connected to the movable carriage.

Support for the foregoing amendment can be found, for example, in paragraph [0036] of the subject application, as published, and in FIG. 12, in which reference numeral 25 designates the movable carriage and reference numeral 19 designates the forks. As such, no new matter is believed entered by this amendment. Paragraph [0036] and FIG. 12 are reproduced below for the Examiner's convenience.

[0036] In use, an operator of the forklift should have the side shift mechanism 21 so that the movable carriage 25 in a centered position with respect to the fixed carriage 23, as shown in FIG. 3, with both of the fluid actuated rams 27, 29 in a half extended configuration. The operator of the vehicle (not shown) will drive the vehicle into a position adjacent a load (not shown) to be moved until the forks 19 are adjacent the load. If the forks 19 are not aligned with the load the operator of the vehicle actuates the pair of rams 27, 29 to shift the movable carriage 25 sideways and hence the forks 19 mounted thereon in a sideways direction until the forks are in alignment with the load. For example, if the operator desires to shift the movable carriage and hence the forks to the left, as shown in FIG. 2, he may do so by extending both of the fluid actuated rams 27, 29 either simultaneously or sequentially. When both fluid actuated rams 27, 29 are in a fully extended configuration the movable carriage 25 will be in a fully left shifted position. Alternatively, if the operator wishes to move the movable carriage 25 from a centered position relative the fixed carriage 23 to a position in which the movable carriage 25 and hence the forks are shifted laterally to the right, he may do so by contracting each of the hydraulic rams 27, 29 either simultaneously or sequentially. Once both hydraulic rams have been contracted fully, the movable carriage will be in a fully right shifted configuration. (Subject application as published, paragraph [0036]. Emphasis added.)



In view of the foregoing, and in consideration of the discussions and agreement during the telephonic interview, Applicants respectfully submit that the rejection over Johannson and Moffett has been overcome. The remaining independent claims, i.e., independent claims 27 and 34, have been amended herein to incorporate similar features. Withdrawal of the rejection under 35 USC §103 over Johannson and Moffett is respectfully requested.

Claims 15-17, 19, 20, 24, and 27-36 were variously rejected under 35 USC §103 as being obvious over Johannson and Moffett and further in view of various combinations of Schuster (US 4,095,714), Sewell (US 4,615,533), Meitl (US 3,999,674), Kuwayama et al. (US 5,277,268), Field, Jr. (US 5088,880, hereinafter "Field"), and Avitan et al. (US 5,890,563). As discussed above, independent claim 14 has been amended to overcome the combination of Johannson and Moffett. As also mentioned above, independent claims 27 and 34 have been amended to include similar features as claim 14, as such, the combination of Johannson and Moffett are similarly believed to be deficient with respect to such features recited by independent claims 27 and 34. None of the additional references have been asserted to, or are believed to, remedy the deficiencies of Johannson and Moffett. As such, Applicants respectfully submit that, in view of the foregoing amendments, all of the pending claims patentably define over the

cited references, either considered alone or in various combinations with one another. As such, Applicants respectfully request the withdrawal of the rejections under 35 USC §103.

Having overcome all of the outstanding rejections, Applicants respectfully submit that the subject application is now in condition for allowance. Applicants believe that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In light of the above-described remarks, Applicants respectfully assert that the subject application is in condition for allowance. While Applicants respectfully assert that the subject application is now in condition for allowance, the Examiner is invited to telephone Applicants' attorney (617-305-2010) to facilitate prosecution of this application. Please apply any charges or credits to deposit account 50-2324, referencing Docket No. 125590.00004.

Respectfully submitted,

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